

Assembly Bill No. 2474

CHAPTER 998

An act to add Article 7.5 (commencing with Section 17582) is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to automotive products.

[Approved by Governor September 27, 2002. Filed
with Secretary of State September 27, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2474, Simitian. Automotive products.

Existing law requires the Department of Food and Agriculture to establish specifications for engine coolants or antifreeze that promote the public safety in the operation of motor vehicles.

This bill would require any engine coolant or antifreeze sold in this state after January 1, 2004, that is manufactured after July 1, 2003, and that contains more than 10% ethylene glycol, to include denatonium benzoate at a minimum of 30 parts per million as a bittering agent so as to render it unpalatable, or another equivalent aversive agent. The bill would require manufacturers and packagers of these products to maintain records and to furnish specified information to any member of the public upon request.

The bill would also provide that a manufacturer, distributor, recycler, or seller of an automotive product that is required to contain an aversive agent under these provisions is not liable to any person for any personal injury, death, or property damage that results from the inclusion of denatonium benzoate in ethylene glycol antifreeze, with specified limitations.

The people of the State of California do enact as follows:

SECTION 1. Article 7.5 (commencing with Section 17582) is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, to read:

17582. (a) Any engine coolant or antifreeze sold in this state after January 1, 2004, that is manufactured after July 1, 2003, and that contains more than 10 percent ethylene glycol, shall include denatonium benzoate at a minimum of 30 parts per million as a bittering agent within the product so as to render it unpalatable. Another aversive agent may be used if it meets or exceeds the degree of aversion in test subjects obtained by utilizing the formulation of 30 parts per million of

denatonium benzoate in antifreeze. Any manufacturer or packager of a product subject to this section shall maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used pursuant to this chapter. Information and documentation maintained pursuant to this section shall be furnished to any member of the public upon request.

(b) (1) A manufacturer, distributor, recycler, or seller of an automotive product that is required to contain an aversive agent under this section is not liable to any person for any personal injury, death, or property damage that results from the inclusion of denatonium benzoate in ethylene glycol antifreeze.

(2) The limitation on liability provided by this subdivision is only applicable if denatonium benzoate is included in ethylene glycol antifreeze in concentrations mandated by this section.

(3) The limitation on liability provided by this subdivision does not apply if the personal injury, death, or property damage results from willful or wanton misconduct by the manufacturer, distributor, recycler, or seller of the ethylene glycol antifreeze.

(c) This section shall not be construed to apply to any of the following:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze.

(2) Wholesale containers of antifreeze containing 55 gallons or more of the antifreeze.

